

U.S. Department of Justice

United States Attorney Eastern District of New York

NB:LTG:JLG:MRM

610 Federal Plaza Central Islip, New York 11722

November 25, 2019

By ECF with Courtesy Copy by email Judge Joan M. Azrack U.S. District Court Eastern District of New York Federal Plaza, Courtroom 920 Central Islip, New York 11722

Re: United States v. Christopher McPartland and Thomas J. Spota

Criminal Docket No. 17-CR-587 (JMA)

Dear Judge Azrack:

As requested by the Court, the Government submits this letter to provide the citations and sources of the contents of the Government's Request to Charge, submitted November 22, 2019.

CHARGE	CITATION
Role of the Court	Instruction 2-2: Role of the Court, 1 Modern Federal Jury
	Instructions-Criminal ¶ 2.01 (2019)
Duties of the Jury	Instruction 2-3: Role of the Jury, 1 Modern Federal Jury
	Instructions-Criminal ¶ 2.01 (2019)
Parties Equal Before the	Instruction 2-5:The Government as a Party, 1 Modern Federal
Court	Jury Instructions-Criminal ¶ 2.01 (2019)
Presumption of Innocence	Instruction 4-1: Presumption of Innocence and Burden of
and Burden of Proof	Proof, 1 Modern Federal Jury Instructions-Criminal ¶ 4.01
	(2019)
Proof Beyond a Reasonable	Instruction 4-2: Reasonable Doubt, 1 Modern Federal Jury
Doubt	Instructions-Criminal ¶ 4.01 (2019)
What is Evidence?	Instruction 5-4: Testimony, Exhibits, and Stipulations, 1
	Modern Federal Jury Instructions-Criminal ¶ 5.01 (2019)

What is Not Evidence?	Adapted From: Instructions 5-1: Marshalling Evidence; 5-3: Questions; 1 Modern Federal Jury Instructions-Criminal ¶ 5.01 (2019), and Instruction 5-4: Testimony, Exhibits, and Stipulations, 1 Modern Federal Jury Instructions-Criminal ¶ 5.02 (2019)
Direct and Circumstantial Evidence	Adapted From: Instruction 5-2: Direct and Circumstantial Evidence, 1 Modern Federal Jury Instructions-Criminal ¶ 5.01 (2019), and Instruction 6-1: Inference Defined, 1 Modern Federal Jury Instructions-Criminal ¶ 6.01 (2019)
Number of Witnesses and Uncontradicted Testimony	Instruction 4-3: Number of Witnesses and Uncontradicted Testimony, 1 Modern Federal Jury Instructions-Criminal ¶ 4.01 (2019)
Rulings by the Court	Adapted From: Instructions 2-8: Conduct of Counsel; 2-2: Role of the Court; 2-3: Role of the Jury, 1 Modern Federal Jury Instructions-Criminal ¶ 2.01 (2019)
Witness Credibility- General Instruction	Instruction 7-1: Witness Credibility, 1 Modern Federal Jury Instructions-Criminal ¶ 7.01 (2019)
Preparation of Witnesses	Adapted From: S2 Modern Federal Jury Instructions-Criminal ¶ 3.02 (2019).
Interest In Outcome	Instruction 7-3: Interest of Outcome, 1 Modern Federal Jury Instructions-Criminal ¶ 7.01 (2019)
Expert Testimony	Instruction 7-21: Expert Witnesses Generally, 1 Modern Federal Jury Instructions-Criminal ¶ 7.01 (2019)
Law Enforcement Witnesses	Instruction 7-16: Law Enforcement Witnesses, 1 Modern Federal Jury Instructions-Criminal ¶ 7.01 (2019)
Particular Investigative Techniques Not Required	Adapted From: S2 Modern Federal Jury Instructions-Criminal ¶ 3.19 (2019).
Accomplices Called by the Government	Instruction 7-5: Accomplices Called by the Government, 1 Modern Federal Jury Instructions-Criminal ¶ 7.01 (2019).
Accomplices Called by the Defense	Instructions 7-6: Accomplices Called by the Defense, 1 Modern Federal Jury Instructions-Criminal ¶ 7.01 (2019).
Un-Indicted Co-Conspirators as Government Witness	Instruction 7-7: Un-Indicted Co-Conspirators as Government Witness, 1 Modern Federal Jury Instructions-Criminal ¶ 7.01 (2019).
Witnesses Testifying Pursuant to a Cooperation Agreement	Instruction 7-5: Accomplices Called by the Government, 1 Modern Federal Jury Instructions-Criminal ¶ 7.01 (2019).
Government Witness-Not Proper to Consider Guilty Plea	Instruction 7-10: Government Witness- Not Proper to Consider Guilty Plea, 1 Modern Federal Jury Instructions-Criminal ¶ 7.01 (2019).
Statutory Immunity of a Government Witness	Instruction 7-8: Statutory Immunity of a Government Witness, 1 Modern Federal Jury Instructions-Criminal ¶ 7.01 (2019).
Assertion of a Testimonial Privilege by Witness	Instruction 7-13.1: Assertion of a Testimonial Privilege by Witness, 1 Modern Federal Jury Instructions-Criminal ¶ 7.01 (2019).

Defendant's Interest if Defendant Testifies Date Approximate Date Approximate Other Persons Not on Trial Adapted From: 3.08 (2019). Other Persons Not on Trial Adapted From: 3.01 (2019); Un 2007); Instructi Modern Federal Adapted From: Practice and Instructions-Cri Instructions-Cri Instructions-Cri Influence Count Hinder Commu Federal Jury Instructions-Cri Influence Count Hinder Commu Federal Jury Instructions-Cri Instruction 6-19 Behavior, 1 Mo (2019). Acting Knowingly and Intentionally Adapted From: Instruction 6-19 Instruc	1: Improper Consideration of Defendant's
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Defendant Testifies Date Approximate Date Approximate Adapted From: 3.08 (2019). Adapted From: 3.01 (2019); Un 2007); Instruction Modern Federal Instructions-Cri Instructions-Cri Instructions-Cri Instructions-Cri Influence Court Hinder Commung Federal Jury Instructions-Cri Influence Court Hinder Commung Federal Jury Instructions-Cri Instructions-Cri Instructions-Cri Instructions-Cri Instructions-Cri Instructions-Cri Instructions-Cri Instructions-Cri Instruction 6-19 Acting Knowledge From Clandestine Behavior Clandestine Behavior Adapted From: Instruction 6-19 Behavior, 1 Modern Federal Jury Instructions-Cri Instruction Modern Federal Modern	(2012).
Date Approximate 3.08 (2019). Other Persons Not on Trial Other Persons Not on Trial Adapted From: 3.01 (2019); Un 2007); Instruction Modern Federal Adapted From: Practice and Instructions-Cri Instructions-Cri Instructions-Cri Influence Count Hinder Commu Federal Jury Instructions-Cri Adapted From: Instructions-Cri Instructions-Cri Instruction 6-19 Behavior, 1 Mo (2019). Acting Knowingly and Intentionally Intentionally, 1 3A.01 (2019). Adapted From: Instruction 11-2 Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Proceeding Adapted From: Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	: Defendant's Interest if Defendant Testifies, 1
Other Persons Not on Trial Other Persons Not on Trial Adapted From: 3.01 (2019); Un 2007); Instructi Modern Federal Adapted From: Practice and Ins Stipulations Instruction 5-6: Instructions-Cri Instructions Motive Adapted From: Instructions-Cri Influence Court Hinder Commu Federal Jury Ins 6-18: Using Mo Instructions-Cri Instructions-Cri Instructions-Cri Instructions-Cri Instructions-Cri Instructions-Cri Instruction 6-19 Behavior, 1 Mo (2019). Acting Knowingly and Intentionally Adapted From: Instruction 6-19 Behavior, 1 Mo (2019). Adapted From: Intentionally, 1 3A.01 (2019). Adapted From: Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding 1512(b)(2)(A); 19-: Purpose of	al Jury Instructions-Criminal ¶ 7.01 (2019).
3.01 (2019); Un 2007); Instructi Modern Federal All Available Evidence Need Not Be Produced Stipulations Instruction 5-6: Instructions-Cri Instruction 5-12 Jury Instruction Motive Adapted From: Instructions-Cri Influence Court Hinder Commu Federal Jury Ins 6-18: Using Mo Instructions-Cri Instructions-Cri Instructions-Cri Instructions-Cri Instructions-Cri Instruction 6-19 Behavior, 1 Mo (2019). Acting Knowingly and Intentionally Intentionally, 1 3A.01 (2019). Adapted From: Intentionally, 1 3A.01 (2019). Adapted From: Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Proceeding 1.01 1.02 1.01 1.02 1.01 1.02 1.01 1.02 1.01 1.02 1.01 1.02 1.01 1.02 1.02	S1 Modern Federal Jury Instructions-Criminal
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All Available Evidence Need Not Be Produced Stipulations Instruction 5-6: Instructions-Cri Instruction 5-12 Jury Instruction Motive Adapted From: Instruction 5-12 Jury Instructions-Cri Influence Court Hinder Commu Federal Jury Ins 6-18: Using Mo Instructions-Cri Instructions-Cri Instructions-Cri Instructions-Cri Instruction 6-19 Behavior, 1 Mo (2019). Acting Knowingly and Intentionally Adapted From: Intentionally, 1 3A.01 (2019). Adapted From: Intentionally, 1 3A.01 (2019). Adapted From: Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Practice and Ins Instruction 5-12 Jury Instructions-Cri Instructions-Cri States v. Samps in Sampson, 13 Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	ion 6-7: Uncalled Witness Equally Available, 1
Not Be Produced Stipulations Instruction 5-6: Instructions-Cri Charts and Summaries Instruction 5-12 Jury Instruction Adapted From: Instructions-Cri Influence Court Hinder Commu Federal Jury Ins 6-18: Using Mo Instructions-Cri Behavior, 1 Mo (2019). Acting Knowingly and Intentionally Intentionally Adapted From: Instruction 6-19 Behavior, 1 Mo (2019). Adapted From: Intentionally, 1 3A.01 (2019). Adapted From: Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Proceeding Tamper of	al Jury Instructions-Criminal ¶ 6.04 (2019).
Stipulations Charts and Summaries Instruction 5-6: Instruction 5-12 Jury Instruction Motive Adapted From: Instructions-Cri Influence Court Hinder Commu Federal Jury Ins 6-18: Using Mo Instructions-Cri Behavior, 1 Mo (2019). Acting Knowingly and Intentionally Adapted From: Intentionally, 1 3A.01 (2019). Adapted From: Intentionally, 1 3A.01 (2019). Adapted From: Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Instruction 5-6: Instruction 5-12 Jury Instructions-Cri Behavior, 1 Mo (2019). Adapted From: Instructions-Cri States v. Samps in Sampson, 13 Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	3 Kevin F. O'Malley, et al., Federal Jury
Charts and Summaries Motive Motive Adapted From: Instructions-Cri Influence Court Hinder Commu Federal Jury Ins 6-18: Using Mo Instructions-Cri Behavior, 1 Mo (2019). Acting Knowingly and Intentionally Aiding and Abetting Adapted From: Intentionally, 1 3A.01 (2019). Adapted From: Intentionally, 1 3A.01 (2019). Adapted From: Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Instruction 5-12 Instruction 6-19 Behavior, 1 Mo (2019). Adapted From: Instructions-Cri States v. Samps in Sampson, 13 Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	structions § 105.11 (5th ed. 2009).
Charts and Summaries Motive Motive Adapted From: Instructions-Cri Influence Court Hinder Commu Federal Jury Ins 6-18: Using Mo Instructions-Cri Behavior, 1 Mo (2019). Acting Knowingly and Intentionally Adapted From: Instruction 6-19 Behavior, 1 Mo (2019). Adapted From: Intentionally, 1 3A.01 (2019). Adapted From: Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Instruction 5-12 Instructions-Cri States v. Samps in Sampson, 13 Adapted From: Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	: Stipulation of Facts, 1 Modern Federal Jury
Motive Motive Adapted From: Instructions-Cri Influence Court Hinder Commu Federal Jury Ins 6-18: Using Mo Instructions-Cri Behavior, 1 Mo (2019). Acting Knowingly and Intentionally Adapted From: Instruction 6-19 Behavior, 1 Mo (2019). Adapted From: Intentionally, 1 3A.01 (2019). Adapted From: Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Jury Instructions-Cri Influence Court Hinder Commu Federal Jury Ins 6-18: Using Mo Instruction 6-19 Behavior, 1 Mo (2019). Adapted From: Instructions-Cri States v. Samps in Sampson, 13 Adapted From: Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	
Motive Adapted From: Instructions-Cri Influence Court Hinder Commu Federal Jury Ins 6-18: Using Motion Instructions-Cri Instructions-Cri Behavior, 1 Motion (2019). Acting Knowingly and Intentionally Intentionally, 1 3A.01 (2019). Adapted From: Instructionally, 1 3A.01 (2019). Adapted From: Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Adapted From: Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	2: Charts and Summaries, 1 Modern Federal ns-Criminal ¶ 5.05 (2019).
Influence Court Hinder Commu Federal Jury Ins 6-18: Using Mo Instructions-Cri Guilty Knowledge From Clandestine Behavior Acting Knowingly and Intentionally Adapted From: Intentionally, 1 3A.01 (2019). Adapted From: Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Influence Court Hinder Commu Federal Jury Ins 6-18: Using Mo Instruction 6-19 Behavior, 1 Mo (2019). Adapted From: Instructions-Cri States v. Samps in Sampson, 13 Adapted From: Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	Motive Explained, S1 Modern Federal Jury
Hinder Commu Federal Jury Ins 6-18: Using Mo Instructions-Cri Guilty Knowledge From Clandestine Behavior Acting Knowingly and Intentionally Aiding and Abetting Aiding and Abetting Aiding and Abetting Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Hinder Commu Federal Jury Ins 6-18: Using Mo Instruction 6-19 Behavior, 1 Mo (2019). Adapted From: Instructions-Cri States v. Samps in Sampson, 13 Adapted From: Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	riminal 5.04 (2019); Instruction 46-59: Intent to
Federal Jury Instanctions Critical Guilty Knowledge From Clandestine Behavior Instruction 6-19 Behavior, 1 Mo (2019). Acting Knowingly and Intentionally Intentionally, 1 3A.01 (2019). Aiding and Abetting Adapted From: Instruction 11-2 Instructions-Critical States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Proceeding 1512(b)(2)(A); 19-: Purpose of	t Testimony, and Instruction 46-60: Intent to
Guilty Knowledge From Clandestine Behavior Acting Knowingly and Intentionally Aiding and Abetting Aiding and Abetting Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding 6-18: Using Mod Instructions-Cri Behavior, 1 Mod (2019). Adapted From: Instructions-Cri States v. Samps in Sampson, 13 Adapted From: Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	unication to Law Enforcement, 2 Modern
Guilty Knowledge From Clandestine Behavior Acting Knowingly and Intentionally Aiding and Abetting Aiding and Abetting Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Instructions-Cri States v. Samps in Sampson, 13 Adapted From: Instructions-Cri States v. Samps in Sampson, 13 Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	structions Criminal 46.09 (2019); Instruction
Guilty Knowledge From Clandestine Behavior Behavior, 1 Mo (2019). Acting Knowingly and Intentionally Intentionally Adapted From: Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Proceeding Instruction 6-19 Behavior, 1 Mo (2019). Adapted From: Instructions-Cri States v. Samps in Sampson, 13 Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	otive For Intent, 1 Modern Federal Jury
Clandestine Behavior Clandestine Behavior Behavior, 1 Mo (2019). Acting Knowingly and Intentionally Adapted From: Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Behavior, 1 Mo (2019). Adapted From: Instructions-Cri States v. Samps in Sampson, 13 Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	riminal ¶ 6.06 (2019).
Acting Knowingly and Intentionally Intentionally Intentionally, 1 3A.01 (2019). Aiding and Abetting Adapted From: Instruction 11-2 Instructions-Cristates v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding 1512(b)(2)(A); 19-: Purpose of	9: Guilty Knowledge From Clandestine
Intentionally Aiding and Abetting Adapted From: Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Intentionally, 1 3A.01 (2019). Adapted From: Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	odern Federal Jury Instructions-Criminal ¶ 6.06
Aiding and Abetting Aiding and Abetting Adapted From: Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Adapted From: Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	Instruction 3A-1: Knowingly; 3A-4:
Aiding and Abetting Adapted From: Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Adapted From: Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	Modern Federal Jury Instructions-Criminal ¶
Instruction 11-2 Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Proceeding Instruction 11-2	
Instructions-Cri States v. Samps in Sampson, 13 Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Proceeding Instructions-Cri States v. Samps in Sampson, 13 Adapted From: Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	Title 18 United States Code §2 (a)(b);
Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding States v. Samps in Sampson, 13 Adapted From: Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	2: Aiding and Abetting, 1 Modern Federal Jury
Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Proceeding in Sampson, 13 Adapted From: Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	riminal ¶¶ 11.01 and 11.02; (2019); <u>United</u>
Count One: Conspiracy to Tamper With Witnesses and Obstruct an Official Proceeding Proceeding Adapted From: Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	son, 898 F.3d 287 (2d Cir. 2018) (Charge given
Tamper With Witnesses and Obstruct an Official Proceeding Proceeding Cir. 2018) (Cha at 39-43); Title 1512(b)(2)(A); 19-: Purpose of	3-CR-269 (S-5)(DLI) at 51-53).
Obstruct an Official at 39-43); Title Proceeding 1512(b)(2)(A); 19-: Purpose of	<u>United States v. Sampson</u> , 898 F.3d 287 (2d arge given in <u>Sampson</u> , 13-CR-269 (S-5)(DLI)
Proceeding 1512(b)(2)(A); 19-: Purpose of	18 United States Code, §§ 1512(b)(1);
19-: Purpose of	1512(b)(3); and 1512(c)(2); and Instruction
-	f the Statute, 1 Modern Federal Jury
	•
1	al Jury Instructions-Criminal ¶ 19.01 (2019).
First Element: Existence of Adapted from:	iminal ¶ 19.01 (2019). Instruction 19-4: Existence of Agreement, 1

Second Element: Membership in the Conspiracy	Adapted from: Instruction 19-6: Membership in Conspiracy, 1 Modern Federal Jury Instructions-Criminal ¶ 19.01 (2019).
Object Offense One: Witness Tampering in Violation of 18 U.S.C. §1512(b)(1) First Element: Use of Intimidation or Corrupt Persuasion	Instructions 46-57 and 46-58: Elements of the Offense and Intimidation, Threat, or Corrupt Persuasion, 2 Modern Federal Jury Instructions-Criminal ¶ 46.09 (2019).
Object Offense One: Witness Tampering in Violation of 18 U.S.C. §1512(b)(1) Second Element: Intent to Influence Testimony in Court	Instruction 46-59: Intent to Influence Testimony in Court, 2 Modern Federal Jury Instructions-Criminal ¶ 46.09 (2019).
Object Offense Two: Witness Tampering in Violation of 18 U.S.C. §1512(b)(2)(A) First Element: Use of Intimidation or Corrupt Persuasion	Instruction 46-59: Intent to Influence Testimony in Court, 2 Modern Federal Jury Instructions-Criminal ¶ 46.09 (2019).
Object Offense Two: Witness Tampering in Violation of 18 U.S.C. §1512(b)(2)(A) Second Element: Withhold Testimony from an Official Proceeding	Instruction 46-59: Intent to Influence Testimony in Court, 2 Modern Federal Jury Instructions-Criminal ¶ 46.09 (2019).
Object Offense Three: Witness Tampering in Violation of 18 U.S.C. §1512(b)(3) First Element: Intimidation or Corrupt Persuasion	Instruction 46-59: Intent to Influence Testimony in Court, 2 Modern Federal Jury Instructions-Criminal ¶ 46.09 (2019).
Object Offense Three: Witness Tampering in Violation of 18 U.S.C. §1512(b)(3) Second Element: Intent to Hinder Communication to Law Enforcement	Instruction 46-60: Intent to Hinder Communication to Law Enforcement, 2 Modern Federal Jury Instructions-Criminal ¶ 46.09 (2019).
Object Offense Four: Obstructing an Official Proceeding in Violation of 18 U.S.C. §1512(c)(2) First Element: Obstructing an Official Proceeding	Instruction 46-70: Obstruction of an Official Proceeding, 2 Modern Federal Jury Instructions-Criminal ¶ 46.11 (2019).

Object Offense Four: Obstructing and Official Proceeding in Violation of 18 U.S.C. §1512(c)(2) Second Element: Defendant	Instruction 46-71: Defendant Acted Corruptly, 2 Modern Federal Jury Instructions-Criminal ¶ 46.11 (2019).
Acted Corruptly	10 11 0 11 0 0 0 0 15 10 (1) (1) 10 11 0 0
Count Two: Witness	Adapted From: 18 U.S.C. §1512(b)(1); 18 U.S.C.
Tampering and Obstruction	\\$1512(b)(2)(A); 18 U.S.C. \\$1512(b)(3); and 18 U.S.C.
of an Official Proceeding	§1512(c)(2). See <i>supra</i> re: Witness Tampering in Violation of 18 U.S.C.
Witness Tampering in Violation of 18 U.S.C.	\$1512(b)(1)
\$1512(b)(1)	§1512(b)(1)
Witness Tampering in	See <i>supra</i> re: Witness Tampering in Violation of 18 U.S.C.
Violation of 18 U.S.C.	\$1512(b)(2)(A)
§1512(b)(2)(A)	
Witness Tampering in	See <i>supra</i> re: Witness Tampering in Violation of 18 U.S,C.
Violation of 18 U.S,C.	§1512(b)(3)
§1512(b)(3)	
Obstruction of an Official	See <i>supra</i> re: Obstruction of an Official Proceeding in
Proceeding in Violation of 18	Violation of 18 U.S.C. §1512(c)(2)
U.S.C. §1512(c)(2)	Adama d Francis Tida 10 Haita d Ctatas Cada 82 (a)(b)
Aiding and Abetting	Adapted From: Title 18 United States Code §2 (a)(b); Instruction 11-2: Aiding and Abetting, 1 Modern Federal Jury
	Instructions-Criminal ¶ 11.01 and 11.02; (2019); United
	States v. Sampson, 898 F.3d 287 (2d Cir. 2018) (Charge given
	in <u>Sampson</u> , 13-CR-269 (S-5)(DLI) at 51-53).
Count Three: Obstruction of	Adapted From: Instruction 46-3: Official Proceeding, 2
Justice	Modern Federal Jury Instructions-Criminal ¶ 46.01 (2019) and
	Title 18, United States Code §1503(a)
First Element: Official	Instruction 46-4: Official Proceeding, 2 Modern Federal Jury
Proceeding	Instructions-Criminal ¶ 46.01 (2019).
Second Element: Knowledge	Instruction 46-5: Official Proceeding, 2 Modern Federal Jury
	Instructions-Criminal ¶ 46.01 (2019).
Third Element: Acted to	Instruction 46-6: Acted to Instruct or Impede, 2 Modern
Obstruct or Impede	Federal Jury Instructions-Criminal ¶ 46.01 (2019).
Aiding and Abetting	See <i>supra</i> re: Aiding and Abetting.
Count Four: Accessory After	Adapted From: Instruction 12-2: Elements of the Offense, 1
the Fact to the Deprivation of Christopher Loeb's Civil	Modern Federal Jury Instructions-Criminal ¶ 12.01 (2019); 18
Rights	U.S.C. § 3.
Nigilis	

First Element: Commission of the Underlying Offense: Deprivation of a Civil Right in violation of 18 U.S.C. §242; First Element of Deprivation of a Civil Right: 18 U.S.C. §242: The Color of Law	Adapted From: Instruction 12-3: Commission of Underlying Offense, 1 Modern Federal Jury Instructions-Criminal ¶ 12.01 (2019); Adapted From: Instruction 17-3: Color of Law, 1 Modern Federal Jury Instructions-Criminal ¶ 17.01 (2019); 18 U.S.C. § 242.
Second Element of	Adapted From: Instruction 17-5: Deprivation of a Federal
Deprivation of a Civil right:	Right, 1 Modern Federal Jury Instructions-Criminal ¶ 17.01
Deprivation of a Right	(2019).
Third Element of Deprivation	Adapted From: Instruction 17-6: Defendant Acted Willfully, 1
of a Civil Right:	Modern Federal Jury Instructions-Criminal ¶ 17.01 (2019).
Defendant Acted Willfully	
Second Element of Accessory	Instruction 12-4: Defendant's Knowledge, 1 Modern Federal
After the Fact: Defendant's	Jury Instructions-Criminal ¶ 12.01 (2019).
Knowledge	
Third Element of Accessory	Instruction 12-5: Defendant Assisted Offender, 1 Modern
After the Fact:	Federal Jury Instructions-Criminal ¶ 12.01 (2019).
Defendant Assisted Offender	
Venue	Instruction 3-11: Venue, 1 Modern Federal Jury Instructions-
	Criminal ¶ 3.01 (2019).

Rules Regarding	Adapted From: S2 Modern Federal Jury Instructions-Criminal
Deliberations	¶ 7.01 (2019); Instruction 1-1: Instructions at Beginning of
	Trial; Instruction 1-2: Contact with Others; Instruction 1-3:
	Note Taking by the Jury; Instruction 1-5: Anonymous Jury; 1
	Modern Federal Jury Instructions-Criminal ¶ 1.02 (2019); and
	Instruction 2-3: Role of the Jury, 1 Modern Federal Jury
	Instructions-Criminal ¶ 2.01(2019); and Instruction 9-
	1:Punishment; Instruction 9-3: Instruction-Right to See
	Exhibits and Testimony; Instruction 9-5: Instruction-Selection
	of a Foreperson; Instruction 9-6: Instruction-Sequestration
	During Deliberations; Instruction 9-7: Duty to Consult and
	Need for Unanimity, 1 Modern Federal Jury Instructions-
	Criminal ¶ 9.01, ¶ 9.03, ¶ 9.05, ¶ 9.06. ¶ 9.07 (2019).

If the Court requires any additional information regarding the above listed citations and references, please contact the undersigned Assistant United States Attorneys.

Respectfully submitted,

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By: <u>/s/</u>

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